

UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, DC

In the Matter of:

BLUE RIDGE AIRLINES

FAA Order No. 98-16

Served: August 13, 1998

Docket No. CP97NM0024

ORDER TO SHOW CAUSE

The Rules of Practice require parties who wish to appeal a law judge's decision to file a notice of appeal within 10 days of the initial decision. 14 C.F.R. § 13.233(a). If the initial decision was written rather than oral, a party has 5 additional days because the initial decision was served by mail. 14 C.F.R. § 13.210(b). A late-filed notice of appeal will only be excused upon a showing of good cause for the late-filing. *See, e.g., In the Matter of Taylor*, FAA Order No. 98-2 at 4 (February 18, 1998).

In the instant case, the law judge served the written initial decision on the parties on June 12, 1998. As a result, any notices of appeal were due by June 27, 1998.


Complainant FAA filed a timely notice of appeal on June 22, 1998. As for Respondent, the certificate of service attached to Blue Ridge Airline's notice of appeal is dated June 23, 1998. The postmark, however, is dated July 14, 1998.

Ordinarily, the filing date is simply the date on the certificate of service.¹ In the

¹ See 14 C.F.R. § 13.210, providing that if mailed, a document shall be considered to be filed on "the mailing date shown on the certificate of service, the date shown on the postmark if there is no certificate of service, or other mailing date shown by other evidence if there is no certificate of service or postmark."

instant case, however, the large discrepancy between the certificate of service and the postmark demands an explanation. As a result, Blue Ridge Airlines is ordered to show cause, on or before September 14, 1998, why there is a discrepancy between the date on the certificate of service and the postmark date. Failure to file a response, on or before September 14, 1998, will result in the dismissal of Blue Ridge Airline's appeal, leaving only Complainant's to be decided.

JANE F. GARVEY, ADMINISTRATOR
Federal Aviation Administration



JAMES S. DILLMAN²
Assistant Chief Counsel

Issued this 12th day of August, 1998.

² Issued under authority delegated to the Chief Counsel and the Assistant Chief Counsel for Litigation by Memorandum dated October 27, 1992, under 49 U.S.C. § 322(b) and 14 C.F.R. § 13.202. See 57 Fed. Reg. 58,280 (1992).